IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.131 OF 2005

IN

WRIT PETITION NO.1673 OF 2004

Shriniwas Prabhakar Karve ...Petitioner

Versus

Shri M.Ramesh Kumar IAS & Ors. ...Respondents

.....

Mr.Ulhas T.Naik for Petitioner.

Mrs.Sushma Bhende, A.G.P. for Respondents 1 and 2.

Mr.M.S.Karnik i/b Mr.M.D.Lonkar for Respondents 3 & 4.

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CORAM: A.M.KHANWILKAR, J.

JUNE 22, 2006.

P.C.

1. Heard Counsel for the parties. Perused the relevant documents on record and the affidavits filed by the parties.

2. This Petition essentially complains of breach of direction contained in order dated 12th August 2004 passed by the Division Bench of this Court in Writ Petition No.1672 of 2002. By that

order, the Respondent No.1 Government of Maharashtra was directed to consider the objections of concerned parties and finalise the seniority list in accordance with the recruitment rules within four months from the date of that order. The fact that steps for finalising seniority list and its publication have been taken, is not in dispute. The affidavit filed before this Court discloses that the final seniority list was published vide circular dated 5th April 2005. Indeed, there is delay in taking necessary steps. It is possible to take the view that the action of the contemnors is not strictly in conformity with the direction given by this Court in its order dated 12th August 2004. Nevertheless after going through the pleadings, it is not possible to take the view that the delay about four months which has occurred is wilful disobedience of the order of the Court. It is only on such finding to be reached, the Court is expected to initiate action for civil contempt. It is not the case on hand. Hence, this Petition is dismissed.

3. It is made clear that disposal of this Petition will not affect the merits of the stand

available to the parties with regard to the correctness of the view taken in the final seniority list as published, which aspects will have to be considered in appropriate proceedings, if resorted to by the concerned parties.

4. Counsel for the Petitioner submits that the direction given by this Court was to give notional dates for promotion and in case of reversion while considering the preparation of final seniority list. According to the Respondents, the final seniority list has been prepared and published after due consideration of all the objections. As mentioned earlier, if the Petitioner is aggrieved by the seniority list as finalised and published, it will be open to him to take recourse to such remedy as may be permissible by law.

5. Petition disposed of on the above terms. Notices issued to Respondents stand discharged.

A.M.KHANWILKAR, J.